EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-0382-PST-E **TCEQ ID:** RN100961473 **CASE NO.:** 35508 **RESPONDENT NAME:** Kenneth Haddad and Maynard Haddad dba H & H Car Wash

ORDER TYPE:		•
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X_PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURE TYPE OF OPERATION: Car wash with a	RED: H & H Car Wash, 701 East Yandell Drive, El	Paso, El Paso County
SMALL BUSINESS: X Yes	No	
OTHER SIGNIFICANT MATTERS: The facility location.	re are no complaints. There is no record of additiona	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other the	an the ED and the Respondent has expressed an inte	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on July 21, 2008. No	comments were received.
5825; Mr. Bryan Sinclair, Enforcer Respondent: Mr. Kenneth and Ma	or: None Ms. Judy Kluge, Enforcement Division, Waste Englished Britaneth Division, MC 219, (512) 239-2171 Ms. Haddad, Joint Owners, 701 East Yandell Drivesented by counsel on this enforcement matter	

RESPONDENT NAME: Kenneth Haddad and Maynard Haddad dba H & H Car Wash **DOCKET NO.:** 2008-0382-PST-E

VIOLATION SUMMARY CHART:

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TO TAKEN/REQUIRED
Type of Investigation: Complaint	Total Assessed: \$6,500	Corrective Actions Taken:
X Routine Enforcement Follow-up Records Review	Total Deferred: \$1,300 X Expedited Settlement Financial Inability to Pay	The Executive Director recognizes that the Respondents have implemented the following corrective measures at the Facility:
Date(s) of Complaints Relating to this Case: None	SEP Conditional Offset: \$0	a. The TCEQ El Paso Regional Office received documentation verifying that as of
Date of Investigation Relating to this Case: January 15, 2008 Date of NOV/NOE Relating to this Case:	Total Paid to General Revenue: \$5,200 Site Compliance History Classification X High Average Poor	February 6, 2008, the shear valves have been installed and securely anchored at the base of each dispenser; and
February 26, 2008 (NOE) Background Facts: This was a routine investigation.	CN601566920 Person Compliance History Classification High X Average Poor	b. The TCEQ El Paso Regional Office received documentation verifying that as of February 6, 2008, the USTs were properly marked according to the UST registration and self-certification form.
WASTE	CN601566938 Person Compliance History Classification	Ordering Provisions:
Failure to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely	High _X Average Poor Major Source: Yes _X No	The Order will require the Respondents to:
anchored at the base of the dispenser [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)]. 2) Failure to ensure that a legible tag,	Applicable Penalty Policy: September 2002	a. Immediately upon the effective date of this Agreed Order, begin maintaining all UST records, in accordance with 30 Tex. ADMIN. CODE § 334.10.
label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a		b. Within 30 days after the effective date of this Agreed Order:
nonremovable point in the immediate area of the fill tube for each regulated underground storage tank ("UST") according to the UST registration and self-certification form [30 Tex. ADMIN. CODE §		i. Submit amended registration information to indicate the current operational status of the midgrade UST, in accordance with 30 Tex. Admin. Code § 334.7; and
334.8(c)(5)(C)]. 3) Failure to provide an amended UST registration to the agency for any change or additional information regarding USTs within 20 days from the data of the		ii. Install and implement a release detection method for all USTs and begin conducting reconciliation of inventory control records, in accordance with 30 Tex. ADMIN. CODE § 334.50.
within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not amended to reflect the out-of-service status of the midgrade UST [30 Tex. ADMIN. CODE § 334.7(d)(3)].		c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation
4) Failure to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel [30 Tex. ADMIN. CODE § 334.10(b)].		including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a. and b.

	· · · · · · · · · · · · · · · · · · ·
5) Failure to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1)].	
6) Failure to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons [30 Tex. Admin. Code § 334.50(d)(1)(B)(ii) and Tex. WATER CODE § 26.3475(c)(1)].	

Additional ID No(s).: PST No. 1332

	Penalty Calculatio	n Worksheet (P	•	
Policy Revision 2 (Septe	mber 2002)	,	PCW Revision Feb	ruary 29, 2008
ICEQ DATES Assigned	3-Mar-2008			
PCW	7-Mar-2008 Screening 5-Mar-2008	EPA Due		
RESPONDENT/FACILITY I	NFORMATION Kenneth Haddad and Maynard Haddad dba	H & H Car Wash		1
Reg. Ent. Ref. No.	RN100961473		and the second of the second o	_
Facility/Site Region		Major/Minor Source	Minor]
CASE INFORMATION			The state of the s	
Enf./Case ID No.	35508	No. of Violations	5	7
Docket No.	2008-0382-PST-E	Order Type	1660]
	Petroleum Storage Tank	Enf. Coordinator		
Multi-Media	imit Minimum \$0 Maximum	\$10,000 EC's Team	Enforcement Team 6	
Admin. Penalty \$ L	imit Minimum \$0 Maximum	<u> </u>		
	Penalty Calcula	ation Section		
			y nazwy nazwy nazwynają	\$6,500
TOTAL BASE PENAL	TY (Sum of violation base penaltic	es)	Subtotal 1	\$0,500
ADJUSTMENTS (+/-) Subtotals 2-7 are obtained	TO SUBTOTAL 1 ed by multiplying the Total Base Penalty (Subtotal 1) by	y the indicated percentage.		
Compliance Histo		Enhancement Subt	otals 2, 3, & 7	\$0
Notes	No adjustment due to compl	iance history		
Moles Notes	No adjustment add to compl	iairos mosory.		
College Hiller	No 0%	Enhancement	Subtotal 4	\$0
Culpability	NO 0/6	Elliancement		
Notes	The Respondents do not meet the	e culpability criteria.		
	A Company of the Comp		1	
Good Faith Effort	the control of the co	Reduction	Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settlement Offer			
Extraordinary Ordinary				
N/A	X (mark with x)		· •	
Notes	The Respondents do not meet the	e good faith criteria		
Notes	The Respondents do not most are	y good raisi, oritorial		
		Enhancement*	Subtotal 6	\$0
	Total EB Amounts \$75 *Capped	d at the Total EB \$ Amount	Control of the Control of Control	
Approx. C	tost of Compliance \$1,900			
SUM OF SUBTOTALS		はない。 ・ これは、1000年の第二年の1000年の第二年の1000年の100日の100日の100日の100日の100日の100日の10	Final Subtotal	\$6,500
	n den en e	a. je ji jedo nagoro, presesta, o o sem sem sembro se	3.335 Me101.84 vil. 1.4. CY133	
OTHER FACTORS AS	JUSTICE MAY REQUIRE	0%	Adjustment	\$0
Reduces or enhances the Final Su	btotal by the indicated percentage.			
Notes				
Notes				
_		Final Pe	nalty Amount	\$6,500
National Control Company (National Control Company)	- 19 - 10 <u>- 10 - 10 - 10 - 10 - 10 - 10 - 1</u>		478485 NE. 20284.02355	¢c 500
STATUTORY LIMIT A	DJUSTMENT	Final Ass	essed Penalty	\$6,500
DEEEDDAL		20% Reduction	Adjustment	-\$1,300
DEFERRAL Reduces the Final Assessed Pena	alty by the indicted percentage. (Enter number only; e.		Aujustinent	- + 1,000
Notes	Deferral offered for expedite	ed settlement.		
			1	
				\$5,200
PAYABLE PENALTY		 Loss de la composition della compos	are presentated statistics (SEQ SM air NJ	Ψυ,£υυ

PAYABLE PENALTY

Screening Date 5-Mar-2008

Docket No. 2008-0382-PST-E

PCW

 $\textbf{Respondent}\,$ Kenneth Haddad and Maynard Haddad dba H & H Car W

Policy Revision 2 (September 2002) PCW Revision February 29, 2008

Case ID No. 35508

Reg. Ent. Reference No. RN100961473

	Compliance History Worksheet		
	y Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	, and 0	0%
	Any agreed final enforcement orders containing a denial of llability (number of orders meeting criteria)	,0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0 0	0%
and Consen Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
, tadito	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	o	0%
	Plea	se Enter Yes or No	
:	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Su	btotal 2)
peat Violator (S	ıbtotal 3)		Park Co
N	Adjustment P	ercentage (Su	btotal 3)
mpliance Histor	y Person Classification (Subtotal 7)		
Average F	Performer Adjustment P	ercentage (Su	btotal 7)
<u> </u>			

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0

Scre	ening Date	5-Mar-2008		Do	cket No	. 2008-0382-PST-E		PCW
F	Respondent	Kenneth Hade	dad and Mayn	ard Haddad db	а Н & Н С	ar Wash	Policy Rev	rision 2 (September 2002)
	Case ID No.	35508					PCW R	evision February 29, 2008
Reg. Ent. Re	ference No.	RN10096147	3					
Med	lia [Statute]	Petroleum Sto	orage Tank					Shakera was a san a
Enf. (Coordinator	Judy Kluge						**************************************
Viol	ation Number	1						TO AND THE PARTY OF THE PARTY O
	Rule Cite(s)							BULLANDER
	11		30	Tex. Admin. Co	ode § 334.	45(c)(3)(A)		**************************************
								ACOMORPHICA
Violatio	n Description	Failed to ins each pressur	tall an emerge ized delivery o	or product line a	ve (also kr and ensure ne dispens	nown as shear or impa that it is securely and er.	act valve) on chored at the	
						E	Base Penalty	\$10,000
>> Environmenta	l Property a	nd Human	Health Mat	rix		Gestina Company		ss-00000dataoo
// Liviroillileilla	i, i Toperty a	ina maman	Harm	. I A	Mary and Mary	Bully About	(MAR)	000ematil000000
602 Sec. 200	Release	Major	Moderate	Minor				· ·
OR	Actual					p		
	Potential		X .			Percent 10	%	occordo maso
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>>Programmatic			Madarata	Minor	amed which the			vc-andoxyna
	Falsification	Major	Moderate	Minor Minor		Percent 0	%	III.OREO CARA
						Tercent 0	70]	ARKITE STORY AND
Matrix Notes	Human healt would not exc	n or the environced levels that	onment will or at are protectiv	could be expos /e of human he the violation	alth or env	nificant amount of pol /ironmental receptors	lutants which as a result of	
per finishing desired a second				18 18 19 19		Adjustment	\$9,000	BARRAYATRAMA
	NENGAL KADUNDULA DISEST	dedeford the sold decide sections					g	•
							.	\$1,000
Violation Events		ind at PropositionS	eli sassana est	Na Piles Piles	and the second		Livery Control of the	
	Number of Vic	lation Events	1	Ī	22	Number of violation	days	To the second se
				1 <u>L</u>				Will a section of the
		daily		Andreas Andrea				od finished visit
		monthly				Violation F	Base Penalty	\$1,000
	mark only one with an x	quarterly semiannual	X			VIOLULION	suse i charty	
		annual						ha e e e e e e e e e e e e e e e e e e e
		single event						ACLARCISADA
		# 125 W 125						on traditions
	One quarterly	event is reco 2008 in	mmended bas	sed on docume the February (ntation of 6, 2008 co	the violation during the mpliance date.	e January 15,	one conditions to the conditions of the conditio
Economic Benefi	t (EB) for th	is violation		nggggrover green Lagggrove (2004)	angara mapi	Statutory Limit	Test	
	Estimate	d EB Amount		\$0		Violation Final I	Penalty Total	\$1,000

			T	his violation F	inal Asse	ssed Penalty (adjust	ed for limits)	\$1,000

		conomic	3enefit W	orks	sheet	rights but the second	
Respondent		ad and Maynard Ha					
Case ID No		aa ana maynara na		ui 1140			
Reg. Ent. Reference No	RN100961473						
	Petroleum Stor						Years of
Violation No		-				Percent Interest	Depreciation
	Ški projaktoj				(304)3070(904)	log scale of	
·	a dinigosa,	o Laboration .			II. ayulindakadigira amerika	5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
. Item Description	 No commas or \$ 	AND CALL	and the second			Elevi Distanti, como	
Delayed Costs	S avarablen capas c	di diskini diskini di bir degi		r state to a	and the same of		
Equipment	\$100	15-Jan-2008	6-Feb-2008	0.1	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	mitter, requesting, index to	and the second of the second	and the Armidian	0.0	\$0	\$0	\$0
Engineering/construction	in the state of the state of the		A SHUDING STORY	0.0	\$0	\$0	\$0
Land		10.00	3555(i	0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling	12 (2 t)			0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 4	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
	Eatlmated a		الأثارة فالمنافعة المسم	ad labe		rando enercio de O	a'-465 Meri
Notes for DELAYED costs Avoided Costs		required is the date	of the investigation	on and t	he final date is the	of the dispensing ur date of compliance	, , , , , , , , , , , , , , , , , , ,
		required is the date	of the investigation	on and t	he final date is the	date of compliance.	osts)
Avoided Costs		required is the date	of the investigation	on and t	he final date is the	date of compliance. one-time avoided c	osts) \$0
Avoided Costs		required is the date	of the investigation	on and t	he final date is the item (except for \$0	date of compliance.	osts)
Avoided Costs Disposal Personnel		required is the date	of the investigation	ntering 0.0 0.0	item (except for \$0 \$0	one-time avoided c	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		required is the date	of the investigation	on and t	item (except for \$0 \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		required is the date	of the investigation	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	S ANN	required is the date	of the investigation	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	S ANN	required is the date	of the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	S ANN	required is the date	of the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	he final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	S ANN	required is the date	of the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	he final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	S ANN	required is the date	of the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	he final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	S ANN	required is the date	of the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	he final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	S ANN	required is the date	of the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	he final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scre	ening Date	5-Mar-2008			Docket No	2008-038	2-PST-E		PCW
R	Respondent	Kenneth Hadd	lad and Mayn	ard Haddad	dba H & H Ca	ar Wash		Policy Re	evision 2 (September 2002)
	Case ID No.							PCW I	Revision February 29, 2008
Reg. Ent. Ref									
		Petroleum Sto	rage Tank						
	oordinator								•
VIOIZ	ation Number Rule Cite(s)	2							And Annual Annua
	Rule Offe(s)		30	Tex. Admin	. Code § 334.	.8(c)(5)(C)			
Violation	n Description	Failed to ensu applied upon immediate are	or affixed to	either the top lbe for each i	of the fill tube	e or to a nor T according	removable p	oint in the	
: : kissaa maasa maay ya oo bar oo ba'a da					BEST 1888 1884		Bas	se Penalty[\$10,000
>> Environmental	, Property a	ınd Human l	Health Mat Harm	rix					
Bank P. T. Bank	Release	Major	Moderate	Minor					
OR	Actual]		processing and the contract of		
	Potential]	Percent	0%		
Angliodis Computation	ANGEL: CARREST OF THE SECOND	and the second	Supplied (group teleforarie et a	Patricks.				
>>Programmatic I	Falsification	Major	Moderate	Minor					
		x I	Mederate		1	Percent	10%		The state of the s
ajai (j. 18 fertina) A jatha St	Į.	1							
Matrix Notes			100% of the	e rule require	ment was not	met.			
				A STATE OF THE PERSON OF THE P	21,000	Adjustmen	t	\$9,000	
								ſ	£1,000
								Į	\$1,000
Violation Events		Proprietania	Property Charles						
	Number of Vic	olation Events	1		22	Number o	of violation da	ys	
		daily							
		monthly							
	mark only one	quarterly				\	/iolation Bas	se Penalty	\$1,000
	with an x	semiannual							
		annual single event					*		
		single evenil	X						
			One sin	gle event is i	recommende	d.			
Economic Benefit	t (EB) for th	is violation	计 图像数据图象图象			Statuto	ry Limit Te	st	
	Estimated	d EB Amount[\$(0	Violati	ion Final Per	nalty Total	\$1,000
		•		This ! - 4'		and Danel	tu (adinata d	for limite	\$1,000
				inis violatio	n Final Asse	ssea Penal	ty (adjusted	ioi iiinits)	φ1,000

		conomic l	Benefit W	orksh	ieet		**************************************
		ad and Maynard Ha	ddad dba H & H 0	ar Wash			
Case ID No.	35508						
Reg. Ent. Reference No.	RN100961473						
Media	Petroleum Sto	rage Tank					Years of
Violation No.						Percent Interest	Depreciation
Violation ito.	: - 				1988495		•
· · · · · · · · · · · · · · · · · · ·	Tarangan Tarangan	The service of the	a am September			5.0	15
the final control of the final	Item Cost	Date Required	Final Date	Yrs li	nterest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		Yafabal i Sin			ta i Muel II Gera i	
Delayed Costs	is conflictions about the course						
Egulpment	12791396		7 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 	0.0	\$0	\$0	\$0
Buildings	regranaca .			0.0	\$0	\$0	\$0
Other (as needed)		Con Test Control		0.0	\$0	\$0	\$0
Engineering/construction		The second second		0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		The state of the district of the state of th		0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	15-Jan-2008	6-Feb-2008	0.1	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs Disposal		date required is th	e investigation da	te and the I	final date is the	al label to each UST date of compliance. one-time avoided of	
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment			21 34 At 18 At	0.0	\$0	\$0	\$0
Financial Assurance [2]	Algeria and a second and a second and a second and a second as			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)			to a substantial control of the second	0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Screening Date	5-Mar-2008	Docket No. 20	08-0382-PST-E	PCW
	Kenneth Haddad and Maynard H	addad dba H & H Car Wa	sh Policy R	evision 2 (September 2002)
Case ID No.	35508		PCW	Revision February 29, 2008
Reg. Ent. Reference No.	RN100961473			
Media [Statute]	Petroleum Storage Tank		•	
Enf. Coordinator	Judy Kluge			
Violation Number	3			1
Rule Cite(s)	30 Te	x. Admin. Code § 334.7(d)(3)	
Violation Description	Failed to provide an amende additional information regarding the change or addition. Specific of-servi	USTs within 30 days from	the date of the occurrence of not amended to reflect the out-	\$10,000
	•		Dase relially	ψ10,000
>> Environmental, Property a		Marie Commission of the Commis	200 Kesses as 150	
Delega	Harm Maior Moderate N	linor		-
Release OR Actual	Major Moderate M		•	
Potential		Pe	rcent 0%	
>>Programmatic Matrix	Economistra de la composición del composición de la composición de la composición del composición de la composición de la composición del composición de la composición del co			
Falsification	Major Moderate N	linor	4 [400/]	
	x	Pe	rcent 10%	
Principal Control of the Control of				1
Matrix Notes	100% of the rule	requirement was not met		
		Adjı Adjı	ıstment \$9,000	Secure
				\$1,000
Violation Events		September 11		
, , , , , , , , , , , , , , , , , , ,	1-1'	EO Ni	ımber of violation days	
Number of Vio	lation Events 1	50Nu	imber of violation days	
	daily			
mark only one with an x	monthly quarterly semiannual annual xingle event x		Violation Base Penalty	\$1,000
<u>r</u>				
	One single e	vent is recommended.		
Economic Benefit (EB) for th	is violation	THE STATE OF THE S	tatutory Limit Test	
Fetimato	I EB Amount	\$4	Violation Final Penalty Total	\$1,000
Lotinato		***************************************		
	This	violation Final Assessed	l Penalty (adjusted for limits)	\$1,000

Reg. Ent. Reference No.	RN100961473					political and a second	
	Petroleum Stora	age Tank				r	Years of
Violation No		ago rank				Percent Interest	Depreciation
Violation ino					in the William	5.0	Depreciation
and the facilities	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	W. Santa Jan	SCTEX Admin				
	en la heimannia an eile						
Delayed Costs		 	EA TEAT THE COURSE	l '0.0 ''	10 10 10 10 10 10 10 10 10 10 10 10 10 1	1 60 1	
Equipment Buildings		2 (1.45)	ands is the fit out of the line	0.0	\$0 \$0	\$0	\$0
Other (as needed)		7 Nones 9798	PLOOF VINCOUS	0.0		\$0	\$0
Engineering/construction	C. H. Sandala and	ashim orbit	The second secon	0.0	\$0.54 \$0	\$0 \$0	\$0
Land			_cillaifei N.NV Rifei-B	0.0	\$0		\$0 © 0
Record Keeping System	\$100	15-Jan-2008	28-Nov-2008	0,0	\$4	n/a	\$0 \$4
Training/Sampling	\$100	10-Jan-2006	20-INUV-2006	0.0	\$0	n/a n/a	
Remediation/Disposal				0.0	\$0		\$0 \$0
Permit Costs		a propertiess	192.7 % 121	0.0		n/a	\$0
Permit Costs	المستنب والمنافعة والمستنب والمستنب والمستنب	szádáltálásan megyetetetetetetetetetetetetetetetetetete	Liberarii and a december of the control of the cont	1 0.0	\$0	n/a	\$0
Other (as needed)		Harries and a transfer of	error esperante que en en en en en esperante en	0.0		n/a	\$0
Other (as needed)	Fathwated and	Hillstonia.	and d LICT as sinter	0.0	ganorus od Regionije. Fil	n/a	\$0.
Other (as needed) Notes for DELAYED costs	Estimated cost			i0.0 tion forn	n to the TCEQ. TI	n/a ne date required is th	\$0.
, ,		date a	and the final date is	ion form	n to the TCEQ. TI bected date of com	n/a ne date required is the pliance.	\$0 ne investigatio
, ,		date a	and the final date is	ion form	n to the TCEQ. TI bected date of com	n/a ne date required is the pliance.	\$0 ne investigatio
Notes for DELAYED costs		date a	and the final date is	ion form	n to the TCEQ. TI bected date of com	n/a ne date required is th	\$0 ne investigatio
Notes for DELAYED costs Avoided Costs		date a	and the final date is	ion forn the exp	n to the TCEQ. Theeted date of com	n/a ne date required is the option of the op	\$0 ne investigatio osts) \$0
Notes for DELAYED costs Avoided Costs Disposal		date a	and the final date is	ion form the exp	n to the TCEQ. The to the TCEQ. The total date of com	n/a n/a ne date required is the option of th	\$0 ne investigatio
Notes for DELAYED costs Avoided Costs Disposal Personnel		date a	and the final date is ed costs before e	tion form the exp ntering 0,0 0.0	n to the TCEQ. The ceted date of comittee (except for a \$0 \$0	ne date required is the pliance. one-time avoided c \$0 \$0	\$0 ne investigatio osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		date a	and the final date is ed costs before e	tion form the exp otering 0.0 0.0 0.0	n to the TCEQ. The ected date of com-	n/a ne date required is tripliance. one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 osts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		date a	and the final date is ed costs before e	0.0 tion form the exp ntering 0.0 0.0 0.0	n to the TCEQ. The ected date of comittee (except for a \$0 \$0 \$0 \$0 \$0	n/a ne date required is tripliance. one-time avoided c \$0 \$0 \$0	\$0 ne investigatio osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		date a	and the final date is ed costs before e	tion form the exp 0.0 0.0 0.0 0.0 0.0	n to the TCEQ. The pected date of committee (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a ne date required is tripliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so ne investigatio osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date a	and the final date is ed costs before e	tion form the exp 0.0 0.0 0.0 0.0 0.0 0.0	n to the TCEQ. The ected date of community item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ne date required is tripliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ne investigatio sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date a	and the final date is	1.0.0 tion form the exp	n to the TCEQ. The ected date of community item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ne date required is tripliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ne investigatio osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		date a	and the final date is	1.0.0 tion form the exp	n to the TCEQ. The ected date of community item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ne date required is tripliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ne investigatio osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening	Date 5-Mar-2008	Docket No. 2008-03	82-PST-E	PCW
I - I - I - I - I - I - I - I - I - I -		and Maynard Haddad dba H & H Car Wash	Policy R	evision 2 (September 2002)
	No. 35508		PCW.	Revision February 29, 2008
Reg. Ent. Reference				
	tute] Petroleum Storag	ge lank		
Ent. Coordin	nator Judy Kluge			
Rule C				
) (C)	30 Tex. Admin. Code § 334.10(b)		
1.00				ATTACAMENT
Violation Descr	Failed to mainta	ain the required UST records and make them in the inspection upon request by agency perso		
			Base Penalty	\$10,000
>> Environmental, Prope			26.25.25.329	
Coxumply .		Harm loderate Minor		
13. D35.17 Th. 37 T13	Actual Najor N	ioderate iminor		
EF EDICINAL FABRUS	tential	Percent	0%	
TopDiget	18 (86 MIGNATING 1872/0884 FT) 1 (36 850/68			
>>Programmatic Matrix Falsific	cation Major M	loderate Minor		
raisiid	X	Percent	10%	
erit samblere				
Matrix Notes	1	00% of the rule requirement was not met.		
ANGE SE				
patenting of the second	and the state of t	Adjustme	nt \$9,000	
				\$1,000
	is statistical and the line of the exception of the control of the line of the line of the line of the line of			
Violation Events	lant var stormistikkrant stret	len er i Erisk, sikilannikan phalicer besikabilah masa	Hillian (12 magaraga, 12 pag 12)	
Number	r of Violation Events	1 50 Number	of violation days	
TALLED TO THE STATE OF THE STAT	L			
	daily			
	monthly	·	Violation Base Penalty	\$1,000
mark on with a	** *** *** *** *** *** *** *** *** ***		Violation Bass I charty	L
	annual			
	single event	X		
[·				1
One	single event is recomme	ended based on documentation of the violation 2008 investigation.	during the January 15,	
Economic Benefit (EB) t	for this violation	Statut	ory Limit Test	
Est	imated EB Amount	\$4 Viola	tion Final Penalty Total	\$1,000
	``	This violation Final Assessed Pen	alty (adjusted for limite)	\$1,000
paragraphic and the Sales and the		mis violation fillat Assessed Fell	ary (aujusteu for milits)	Consider the second sec

		conomic	Benefit W	'orks	sheet	(A) TORKE (MERSES	ere de
Respondent		d and Maynard Ha		NOT THE REPORT			
Case ID No	35508						
Reg. Ent. Reference No	RN100961473						
	Petroleum Stora	age Tank				Splanary .	Years of
Violation No		ago rami				Percent Interest	Depreciation
Violation ivo	•1 4 Ny paradoka najahaji				order apprehen		Stadistikatika stanta
n de la companya de La companya de la co					and the second second	5.0	15
		Date Required	Final Date		Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Your Mala Problem	Nicological action			in the second of	
Control Brown Control Charles (Marchane)						ø	
Delayed Costs	avist rolles Karálya						
Equipment			- 4004-00000000000000000000000000000000	0.0	\$0	\$0	\$0
Buildings	CHARLES IN THE			0.0	\$0	\$0	\$0
Other (as needed)	a colliday is regard		Desired Technique	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	15-Jan-2008	28-Nov-2008	0,9	\$4	n/a	\$4
Training/Sampling		a		0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
. Other (as needed)	White the state of		il	0.0	\$0	n/a	\$0
	Followated age	.t. to maintain all I II	The a	المأطنة المعجد		undian data and tha f	
Notes for DELAYED costs	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	date of	compliance.	pation date and the f	
Avoided Costs	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	date of	compliance.	one-time avoided c	osts)
Avoided Costs Disposal	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	date of	item (except for	one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	date of ntering	item (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0	one-time avoided o	s0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided o	osts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Phyliotenius data a company dan	stanama lee maayaan ay maayaana	expected	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Phyliotenius data a company dan	UALIZE [1] avoid	ed costs before	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Phyliotenius data a company dan	UALIZE [1] avoid	ed costs before	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Phyliotenius data a company dan	UALIZE [1] avoid	ed costs before	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Phyliotenius data a company dan	UALIZE [1] avoid	ed costs before	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Phyliotenius data a company dan	UALIZE [1] avoid	ed costs before	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scr	eening Date	5-Mar-2008		D	ocket No. 2008-038	2-PST - E	PCW
ļ	Respondent	: Kenneth Had	dad and Mayr	ard Haddad db	a H & H Car Wash	Polic	y Revision 2 (September 2002)
	Case ID No.	35508				PC	W Revision February 29, 2008
Reg. Ent. Re	eference No.	RN10096147	3				
Med	dia [Statute]	Petroleum St	orage Tank				
Enf.	Coordinator	Judy Kluge	-				
Vio	lation Number						······································
	Rule Cite(s)	30 Tex.	Admin. Code () and (d)(1)(B)(ii) and 75(c)(1)	Tex. Water Code §	
Violatio	on Description	frequer monitoring). Also, failed each month	scy of at least Specifically, v to conduct red , sufficiently a	once every mon apor monitoring conciliation of de ccurate to detec	ed in a manner which w th (not to exceed 35 da was not being conductailed inventory contro t a release which equa w-through for the mon	ays between each ted on a monthly bas I records at least onc Ils or exceeds the sur	is.
						Base Pena	s10,000
>> Environmenta	al Property:	and Human	Health Mat	rix	The second second	2,025,62	
- Livinoimiente	,		Harm		A FEMILIE ELEKTRIAN PARKETAN 1981 1986	CONTRACTOR AND	
	Release		Moderate	Minor			
OR	Actua	L				0.50/1	
National Control	Potentia	X			Percent	25%	
S D	Matel				Fragger N. J. 188		
>>Programmatic	Falsification	Major	Moderate	Minor			
1910 (1910) 1910 (1910)	T alsilication	li iviajoi	Woderate		Percent	0%	
ne agentente di constanti di co	L	<u> </u>	<u> </u>			L	
Matrix Notes					d to pollutants which w receptors as a result o	of the violation.	
gell Lista versionatas sas	e fig. 30 Santa Santa La Santa Manifel	edicati edilə bilədələ	swithiadisell bill	A STATE OF THE STA	Adjustmen	t \$7,5	00
							\$2,500
							<u> </u>
Violation Events	ospectores Nacionalista de Autoropios		string designed.		ata et al a la grande de la compansión	Presidential	
		200.000.000.000.000.0000.00000000000000	F	a (=			
	Number of Vi	olation Events	1		50 Number o	of violation days	
		1 0 1 1 1 1 1	II	1			
		daily monthly	<u> </u>				
	mark only one	quarterly	x			√iolation Base Pena	Ity \$2,500
	with an x	semiannual					
		annual					
		single event]			
							
	. One quarterl	y event is recc i	nmended bas	sed on documer the March 5, 2	ntation of the violation of the violatio	during January 15, 20	008
Economic Benef	fit (EB) for th	nis violatior	Property in take the second		Statuto	ry Limit Test	
	Fetimato	ed EB Amount		\$65	Violat	ion Final Penalty To	tal \$2,500
	simale	.a LD AIIIUUIII	·I	Ψ20]	7,0101		l
				This violation	Final Assessed Penal	ty (adjusted for limi	ts) \$2,500
	en y symptometrini se fili. PCHC antiques				Valencia de la companya de la compa		

		conomic	Benefit W	orks	sheet	ra mett og ins	n He
Respondent	Kenneth Hadda	ad and Maynard Ha	addad dba H & H 0	ar Was	h	 Supplied to the second of the s	
Case ID No.		,					
Reg. Ent. Reference No.					-1		
	Petroleum Sto					r	Years of
		age rank				Percent Interest	
Violation No.	Ь				entra i sancessaviros est		Depreciation
						5.0	15
sit delle de de de designation	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	Ma commae or \$						
nem bescription	INO COMINAS OF S	EUSTEE - Britania (1	nar står si				
palai i o data							
Delayed Costs	II. Salah yanggal saturi ya	Security 1	, , , , , , , , , , , , , , , , , , , 	1	1		
Equipment	For the second second	Literatura de la composición del composición de la composición de		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction		t <u>a merici di nashe diad</u>	ASSESSED AND ADDRESS OF THE PROPERTY OF THE PR	0.0	\$0	\$0	\$0
Land		1 1.114.852.45.	Fidal Actions	.0.0	\$0	n/a	\$0
Record Keeping System Training/Sampling		a ir si sciel riti sud	distribution of the	0.0	\$0 \$0	n/a	\$0
	وتونيد في ويناوب مي دو العالم	L datable and the control of	Access of the second of		\$0	n/a	\$0
Remediation/Disposal	1 0 4 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	l este establication de la company de la com		0,0		n/a	\$0
Permit Costs Monitoring	\$1,500	15-Jan-2008	28-Nov-2008	0.0	\$0 \$65	n/a n/a	\$0 \$65
	V 11000	I TO GALL ECCO	20-1404-2000	0.0	400	11/0	300
		The state of the s		4			
Notes for DELAYED costs	The es	timated cost of mo	nitoring all USTs fo	or releas control re	es, to include reco	ording daily inventory cting monthly piping	/ volume tightness tests
Notes for DELAYED costs	The es	timated cost of mo	nitoring all USTs fo	or releas control re	es, to include reco	rding daily inventory	/ volume tightness tests
Notes for DELAYED costs Avoided Costs	The es measurement The da	timated cost of mores, monthly reconcilinate required is the li	nitoring all USTs for ation of inventory on nvestigation date a	or releas control re and the f	ses, to include reco ecords, and condu final date is date ex	ording daily inventory cting monthly piping	/ volume tightness tests pliance.
	The es measurement The da	timated cost of mores, monthly reconcilinate required is the li	nitoring all USTs for ation of inventory on nvestigation date a	or releas control re and the f	ses, to include reco ecords, and condu final date is date ex	ording daily inventory cting monthly piping spected date of com	/ volume tightness tests pliance.
Avoided Costs	The es measurement The da	timated cost of mores, monthly reconcilinate required is the li	nitoring all USTs for ation of inventory on nvestigation date a	or releas control re and the f	es, to include reco ecords, and condu final date is date ex Item (except for	ording daily inventory cting monthly piping spected date of com one-time avoided c	volume tightness tests pliance. osts)
Avoided Costs	The es measurement The da	timated cost of mores, monthly reconcilinate required is the li	nitoring all USTs for ation of inventory on nvestigation date a	or releas control he and the f intering	ees, to include reco	ording daily inventory cting monthly piping spected date of com one-time avoided c	/ volume tightness tests pliance. costs)
Avoided Costs Disposal Personnel	The es measurement The da	timated cost of mores, monthly reconcilinate required is the li	nitoring all USTs for ation of inventory on nvestigation date a	or releas control re and the f entering 0.0 0.0 0.0	ees, to include reco ecords, and condu final date is date ex Item (except for \$0 \$0 \$0 \$0	ording daily inventory cting monthly piping xpected date of com one-time avoided c \$0 \$0 \$0 \$0	/ volume tightness tests pliance. costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	The es measurement The da	timated cost of mores, monthly reconcilinate required is the li	nitoring all USTs for ation of inventory on nvestigation date a	or release control release con	ees, to include reco	ording daily inventory cting monthly piping spected date of com one-time avoided c \$0 \$0 \$0 \$0	volume tightness tests pliance. osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment	The es measurement The da	timated cost of mores, monthly reconcilinate required is the li	nitoring all USTs for ation of inventory on nvestigation date a	or release control release con	ees, to include reco	ording daily inventory cting monthly piping spected date of commone-time avoided commone-time avoided commone so	volume tightness tests pliance. sosts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	The es measurement The da	timated cost of mores, monthly reconcilinate required is the li	nitoring all USTs for ation of inventory on nvestigation date a	or releas control re and the f intering 0.0 0.0 0.0 0.0 0.0	ees, to include reco ecords, and condu final date is date ex item (except for \$0 \$0 \$0 \$0	ording daily inventory cting monthly piping kepected date of comone-time avoided complete solutions of the solution solutions of the solutions	volume tightness tests pliance. sosts) \$0 \$0 \$0 \$0 \$0 \$0
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Compliance History

Custom	ner/Respondent/Owner-Operator:	CN601566920	HADDA	AD, MAYNARD		Classific	cation: AVERAGE		Rating: 1.	50
Regulated Entity:		RN100961473 H & H CAR WASH AIR NEW SOURCE PERMITS PETROLEUM STORAGE TANK REGISTRATION			Classification: HIGH				Site Rating:	
ID Number(s):					ACCOUNT NUMBER REGISTRATION				E1091H 332	
Location	n:	701 E YANDELL	DR, EL P	ASO, TX, 79902	Rating Date:	9/1/2007	Repeat Violator:	No		•
TCEQ I	Region:	REGION 06 - EL	PASO							
Date Co	ompliance History Prepared:	March 10, 2008								
Agency	Decision Requiring Compliance History:	Enforcement								
Compli	ance Period:	March 03, 2003 to	March 0	3, 2008		<u> </u>				
TCEQ S	Staff Member to Contact for Additional Info	rmation Regarding t	his Comp	liance History						
Name:	Judy Kluge	Ph	one:	817-588-5825						
		Site C	omplian	ce History Com	ponents					
1. Has	the site been in existence and/or operation	for the full five year	complian	ce period?	Yes					
2. Has	there been a (known) change in ownership	of the site during th	e complia	ince period?	No					
3. If Ye	s, who is the current owner?				N/A				•	
4. if Ye	es, who was/were the prior owner(s)?				N/A					
5. Whe	en did the change(s) in ownership occur?				N/A	· · · · · · · · · · · · · · · · · · ·				
Comp	onents (Multimedia) for the Site :									
A.	Final Enforcement Orders, court judger	ments, and consent	decrees o	of the state of Texas	and the federa	l governme	nt.			
	N/A									
В.	Any criminal convictions of the state of N/A	Texas and the fede	ral goverr	nment.						
C.	Chronic excessive emissions events.									
	N/A									
D.	The approval dates of investigations. (CCEDS Inv. Track. I	۱o.)							,
	1 07/10/2003 (140509) 2 11/11/2003 (254669) 3 02/20/2004 (261115) 4 08/02/2004 (283563) 5 12/08/2004 (342658)									
	6 07/06/2006 (485313) 7 11/28/2006 (531390) 8 07/05/2007 (564918) 9 10/23/2007 (598198) 10 02/25/2008 (597062)									
E.	Written notices of violations (NOV). (CON)	CEDS Inv. Track. No	o.)				•			
F.	Environmental audits. N/A									
G.	Type of environmental management sy	/stems (EMSs).	•							
	N/A									
Н.	Voluntary on-site compliance assessm	ent dates.								
	N/A									
1.	Participation in a voluntary pollution re-	duction program.								
	N/A									

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

Custom	er/Respondent/Owner-Operator:	CN601566938	HADD	AD, KENNETH		Classificat	ion: AVERAGE	Rati	ng: 1.50	
Regulated Entity: ID Number(s):		RN100961473 H & H CAR WASH			Classification: HIGH			Site Rating: 0.0		0.00
		AIR NEW SOURCE PERMITS PETROLEUM STORAGE TANK REGISTRATION			ACCOUNT NUMBER REGISTRATION			EE1091H 1332		-
Location	1:	701 E YANDELL	DR, EL F	PASO, TX, 79902	Rating Date:	9/1/2007	Repeat Violator	No		
TCEQ F	Region:	REGION 06 - EL	PASO							
Date Co	ompliance History Prepared:	March 10, 2008								
Agency	Decision Requiring Compliance History:	Enforcement								
Complia	ance Period:	March 03, 2003 t	o March	03, 2008						
TCEQ S	Staff Member to Contact for Additional Info	ormation Regarding t	this Com							
Name:	Judy Kluge	Ph	ione:	817-588-5825			_			
		Site C	omplia	nce History Com	ponents					
1. Has t	he site been in existence and/or operation	n for the full five year	r complia	nce period?	Yes					
2. Has t	here been a (known) change in ownership	o of the site during th	ne compli	ance period?	No					
3. If Yes	s, who is the current owner?				N/A					
4. if Ye	s, who was/were the prior owner(s)?				N/A					
5. Whe	n did the change(s) in ownership occur?				N/A					
Compo	onents (Multimedia) for the Site :									
Α.	Final Enforcement Orders, court judge	ments, and consent	decrees	of the state of Texas	s and the federa	l government.				
	N/A									
_		T								
B.	Any criminal convictions of the state of N/A	Texas and the lede	rai gover	nment.						٠
C.	Chronic excessive emissions events.									
	N/A									
D.	The approval dates of investigations. (CCEDS Inv. Track.	No.)				•			
	1 07/10/2003 (140509) 2 11/11/2003 (254669) 3 02/20/2004 (261115) 4 08/02/2004 (283563) 5 12/08/2004 (342658) 6 07/06/2006 (485313) 7 11/28/2006 (531390)								•	
	8 07/05/2007 (564918) 9 10/23/2007 (598198) 10 02/25/2008 (597062)									
E.	Written notices of violations (NOV). (C N/A	CEDS Inv. Track. N	0.)							
F.	Environmental audits. N/A ,									
G.	Type of environmental management s	ystems (EMSs).					• *			
	N/A									
H.	Voluntary on-site compliance assessm	nent dates.								
	N/A									
1.	Participation in a voluntary pollution re	duction program.								
	N/A									

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
KENNETH HADDAD AND MAYNARD	§	
HADDAD DBA H & H CAR WASH	§	ENVIRONMENTAL QUALITY
RN100961473		

AGREED ORDER DOCKET NO. 2008-0382-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Kenneth Haddad and Maynard Haddad dba H & H Car Wash ("the Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondents own and operate a car wash with three underground storage tanks ("USTs") at 701 East Yandell Drive in El Paso, El Paso County, Texas (the "Facility").
- 2. The Respondents' three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
- 4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about March 2, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Six Thousand Five Hundred Dollars (\$6,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Five Thousand Two Hundred Dollars (\$5,200) of the administrative

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- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondents have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondents have implemented the following corrective measures at the Facility:
 - a. The TCEQ El Paso Regional Office received documentation verifying that as of February 6, 2008, the shear valves have been installed and securely anchored at the base of each dispenser; and
 - b. The TCEQ El Paso Regional Office received documentation verifying that as of February 6, 2008, the USTs were properly marked according to the UST registration and self-certification form.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owners and operators of the Facility, the Respondents are alleged to have:

- 1. Failed to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser, in violation of 30 Tex. ADMIN. CODE § 334.45(c)(3)(A), as documented during an investigation conducted on January 15, 2008.
- 2. Failed to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification

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form, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(C), as documented during an investigation conducted on January 15, 2008.

- 3. Failed to provide an amended UST registration to the agency for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. ADMIN. CODE § 334.7(d)(3), as documented during an investigation conducted on January 15, 2008. Specifically, the registration was not amended to reflect the out-of-service status of the midgrade UST.
- 4. Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel, in violation of 30 Tex. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on January 15, 2008.
- 5. Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on January 15, 2008. Specifically, vapor monitoring was not being conducted on a monthly basis.
- 6. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on January 15, 2008.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Kenneth Haddad and Maynard Haddad dba H & H Car Wash, Docket No. 2008-0382-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

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Kenneth Haddad and Maynard Haddad dba H & H Car Wash DOCKET NO. 2008-0382-PST-E Page 4

- 2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
- 3. It is further ordered that the Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin maintaining all UST records, in accordance with 30 Tex. ADMIN. CODE § 334.10.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit amended registration information to indicate the current operational status of the midgrade UST, in accordance with 30 TEX. ADMIN. CODE § 334.7; and
 - ii. Install and implement a release detection method for all USTs and begin conducting reconciliation of inventory control records, in accordance with 30 TEX. ADMIN. CODE § 334.50.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. through 3.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager El Paso Regional Office Texas Commission on Environmental Quality 401 East Franklin Avenue, Suite 560 El Paso, Texas 79901-1206

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- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If the Respondents fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Jole Trallier	8/25/2008
For the Executive Director	Date
attached Agreed Order on behalf of the entity indic	tached Agreed Order. I am authorized to agree to the cated below my signature, and I do agree to the terms wledge that the TCEQ, in accepting payment for the entation.
 timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications s Referral of this case to the Attorney Gener penalties, and/or attorney fees, or to a collection. Increased penalties in any future enforcement 	ral's Office for contempt, injunctive relief, additional tion agency; at actions; s Office of any future enforcement actions; and law.
Le 50602D	7/25/10
Signature	Date
Name (Printed or typed) Authorized Representative of Kenneth Haddad dba H & H Car Wash	Title
Maynord Hoeldan	7 /28/08 Date
May NARd Haddad Name (Printed or typed) Authorized Representative of Maynard Haddad dba H & H Car Wash	Title Title
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Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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